

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MICHAEL KELLEY,	:	Case No. 3:16-cv-393
	:	
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
	:	(by full consent of the parties)
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

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**DECISION AND ENTRY**

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This case is before the Court on the parties’ Joint Stipulation for an Award of Attorney’s Fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. (Doc. #18). Specifically, the parties stipulate and petition this Court to enter an order awarding attorney fees in the amount of \$5,000.00 under the EAJA. This award will fully satisfy any and all of Plaintiff’s claims for fees, costs, and expenses under 28 U.S.C. § 2412, that may be payable in this case. Any fees paid belong to Plaintiff and can be offset to satisfy any pre-existing debt that Plaintiff owes the United States, pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521 (2010).

After the Court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, Defendant agrees to direct that the award be made payable to Plaintiff’s attorney pursuant to the EAJA assignment duly signed by Plaintiff.

**IT IS THEREFORE ORDERED THAT:**

1. The Parties' Joint Stipulation for an Award of Attorney's Fees under the Equal Access to Justice Act (Doc. #18) is accepted and the Commissioner shall pay Plaintiff's attorney fees, costs, and expenses in the total amount of \$5,000.00;
2. Counsel for the parties shall verify, **within thirty days of this Decision and Entry**, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff;
3. Plaintiff's Motion for Attorney Fees under the EAJA (Doc. #17) is denied as moot; and
4. The case remains terminated on the docket of this Court.

**IT IS SO ORDERED.**

June 29, 2018

*s/Sharon L. Ovington*

Sharon L. Ovington

United States Magistrate Judge